

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ALVIN D. MOANING ,

Plaintiff,

:

Case No. 3:11-cv-261

-vs-

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

:

OFFICER DAN ZWIESLER, et al.,

Defendants.

ORDER TO SUPPLEMENT

This case is before the Court on Plaintiff's Application and Affidavit by Incarcerated Person to Proceed without Prepayment of Fees (Doc. No. 1). The very first paragraph of the Application form provides:

Prisoner account statement required. A prisoner seeking to bring a civil action or file an appeal without prepayment of fees or security therefor must submit a certified copy of the trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint or the filing of a notice of appeal. Prison Litigation Reform Act of 1995, Pub. L. No. 104-131, 110 Stat. 1321, § 804(a) (1)-(3), 28 U.S.C. § 1915(a)-(h). The trust fund account statement is obtained from the cashier of the prison or prisons at which the prisoner was confined during the previous six months. 28 U.S.C. § 1915(a)(2).

(Doc. No. 1, PageID 1.)

The last page of the form, immediately below the place for the Applicant's signature and below Plaintiff's actual signature on the filed Application, instructs in bold print:

Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of your prison trust fund account statement from the institution(s) of your incarceration showing at least the past six months' transactions.

Id. PageID 7.

The reason for this requirement is that the Court must enter an order requiring a prisoner plaintiff to pay the full filing fee and assess an initial filing fee calculated on the basis of the report from the prison cashier.

It is therefore ORDERED that Plaintiff supplement his Application by supplying the required trust fund account statement not later than August 10, 2011. Failure to submit the statement may result in dismissal of this case for want of prosecution.

July 28, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge